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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/824,175
		Filing Date	March 30, 2001
		First Named Inventor	Scott Shyh Guang YEN
		Group Art Unit	3623
		Examiner Name	M. Heck
Total Number of Pages in This Submission		Attorney Docket Number	002854-23

ENCLOSURES <i>(check all that apply)</i>			
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Other Enclosure(s): PTO/SB/36-Recession of Previous Non publication Request; and <u>Notification of Filing Under 35 U.S.C. 122(b)(2)(B)(iii); and</u> <u>Copies of Revocation and Power of Attorney &amp; IDS filed 01-02-03.</u>	
		Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (002854-23) for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm <i>or</i> Individual name	<u>Marc S. Kaufman, Reg. No. 35,212</u> Nixon Peabody LLP 8180 Greensboro Drive Suite 800 McLean, VA 22102
Signature	
Date	May 21, 2003

CERTIFICATE OF MAILING OR TRANSMISSION <i>[37 CFR 1.8(a)]</i>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at _____, on _____.	
Signature:	
Name:	RECEIVED

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

This will acknowledge receipt of the following:

- 1) Transmittal Form
- 2) Revocation and Power of Attorney (2 pages)
- 3) Information Disclosure Statement w/PTO-1449, Intern'tl Search Report & 3 references

In re the Patent Application of: YEN

Serial No. 09/824,175

Filed: March 30, 2001

For: Method of Incorporating Human-Based Activities .....

Docket No.: 002854-23

Due date: Jan. 2, 2003

MSK:dkt

**HAND CARRY ON JANUARY 2, 2003  
PLEASE STAMP WITH DATE OF RECEIPT AND RETURN**

NVA251197.1

#9



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
002854-23

First named inventor: Scott Shyh Guang YEN

Application No.: 09/824,175

Art Unit: 3623

Filed: March 30, 2001

Examiner: M. Heck

Title: METHOD FOR INCORPORATING HUMAN-BASED ACTIVITIES IN BUSINESS PROCESS MODELS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
  - Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
  - Other than small entity - fee \$ 1300.00 (37 CFR 1.17(m))
2. Reply and/or fee
  - A. The reply and/or fee to the above-noted Office action in the form of PTO/SB/36 - RECISSION OF PREVIOUS NONPUBLICATION REQUEST and NOTIFICATION OF FILING UNDER 35 U.S.C. 122(b)(2)(B)(iii) AND 37 C.F.R. 1.213(c) and copy of REVOCATION AND POWER OF ATTORNEY and IDS filed January 2, 2003 \_\_\_\_\_ (identify type of reply):
    - has been filed previously on \_\_\_\_\_.
    - is enclosed herewith.
  - B. The issue fee of \$ \_\_\_\_\_.
    - has been paid previously on \_\_\_\_\_.
    - is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

May 21, 2003

Date

Signature

Telephone

Number: (703) 770-9300

Marc S. Kaufman, Reg. No. 35,212

Typed or printed name

Enclosures:  Fee Payment

NIXON PEABODY LLP

8180 Greensboro Drive

Suite 800

McLean, VA 22102

(703) 770-9300

(703) 770-9400 FAX

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: **PTO/SB/36 - RECISSION OF PREVIOUS NONPUBLICATION**

**REQUEST and NOTIFICATION OF FILING UNDER 35 U.S.C. 122(b)(2)(B)(iii)**

**AND 37 C.F.R. 1.213(c) and copy of REVOCATION AND POWER OF ATTORNEY and IDS**

**filed January 2, 2003**

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) \_\_\_\_\_ on \_\_\_\_\_.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_



Attorney Docket No. 002854-23

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: )  
Scott Shyh Guang YEN ) Group Art Unit: 3623  
Serial No. 09/824,175 )  
Filed: March 30, 2001 ) Examiner: M. Heck  
For: Method for Incorporating Human-Based )  
Activities in Business Process Models )

**NOTIFICATION OF FILING UNDER 35 U.S.C. 122(b)(2)(B)(iii)  
AND 37 C.F.R. 1.213(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the requirements of 35 U.S.C. 122(b)(2)(B)(iii) and 37 C.F.R. 1.213(c), the Applicant hereby notifies the U.S. Patent & Trademark Office that the International Application No. PCT/US02/03290, drawn to the subject matter of the above identified application, was filed February 7, 2002 with the US Receiving Office.

While no fee is required by this filing, the Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380 (Attorney Docket No. 002854-23).

Respectfully submitted,

  
\_\_\_\_\_  
Marc S. Kaufman  
Registration No. 35,212

MSK/JWM

NIXON PEABODY LLP  
8180 Greensboro Drive, Suite 800  
McLean, Virginia 22102  
Telephone: (703) 770-9300  
Facsimile: (703) 770-9400

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<b>RESCISSON OF PREVIOUS NONPUBLICATION REQUEST (35 U.S.C. 122(b)(2)(B)(iii)) AND, IF APPLICABLE, NOTICE OF FOREIGN FILING (35 U.S.C. 122(b)(2)(B)(iii))</b>		Application Number	09/824,175
		Filing Date	March 30, 2001
		First Named Inventor	YEN, Scott Shyh Guang
Title	METHOD OF INCORPORATING HUMAN-BASED ACTIVITIES IN BUSINESS PROCESS MODELS		
		Atty Docket Number	002854-23
		Group Art Unit	3623
		Examiner	M. Heck

Send completed form to:  
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 FAX: (703) 305-8568

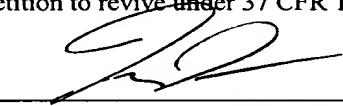


A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

May 21, 2003  
 Date



Signature

(703) 770-9300  
 Telephone Number

Marc S. Kaufman, Reg. No. 35,212  
 Typed or printed name

**This request must be signed in compliance with 37 CFR 1.33(b).**

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

#### CERTIFICATE OF MAILING OR TRANSMISSION

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Name ( <i>Print/Type</i> )			
Signature	Date		

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PATENT  
Docket No.: 002248-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

Applicant :	Scott Shyh Guang Yen	)
Serial No. :	09/824,175	) Art Unit: 2162
Filed :	March 30, 2001	)
For :	Method for Incorporating Human-Based Activities in Business Process Models	)

**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned assignee of the entire interest in the above-identified application for Letters Patent, **VITRIA TECHNOLOGY, INC.**, hereby revokes all previous powers of attorney in the subject application and hereby appoints

Stuart J. Friedman	24,312	Daniel S. Song	43,143
David S. Safran	27,997	Marc S. Kaufman	35,212
Thomas W. Cole	28,290	Corinne R. Gorski	34,339
Donald R. Studebaker	32,815	Jason H. Vick	45,285
Jeffrey L. Costellia	35,483	Luan C. Do	38,434
Tim L. Brackett. Jr.	36,092		

all with a mailing address of Nixon Peabody LLP, 8180 Greensboro Drive, Suite 800, McLean, Virginia 22102, telephone number (703) 770-9300, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

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The undersigned assignee of the entire right, title and interest of the above-identified application, hereby confirms that an assignment for the subject application was recorded on October 5, 2001, at Reel/Frame 012236/0178 in the U.S. Patent and Trademark Office.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified below.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all future communications relative to said application to the following correspondence address:

Marc S. Kaufman  
NIXON PEABODY LLP  
8180 Greensboro Drive  
McLean, Virginia 22102  
Telephone: (703) 770-9300  
Facsimile: (703) 770-9400

Respectfully submitted,

Assignee: Vitria Technology, Inc.

Dated: 12/30/02

By: William McGrath  
William McGrath

Vitria Technology, Inc.  
945 Stewart Drive  
Sunnyvale, CA 94086

MAY 21 2003

# FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$1,300.00)

Complete if Known

Application Number	09/824,175
Filing Date	March 30, 2001
First Named Inventor	Scott Shyh Guang YEN
Examiner Name	M. Heck
Art Unit	3623
Attorney Docket No.	002854-23

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

 Deposit Account:

Deposit Account Number 19-2380(002854-23)

Deposit Account Name Nixon Peabody LLP

## The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001	750	2001 375 Utility filing fee	
1002	330	2002 165 Design filing fee	
1003	520	2003 260 Plant filing fee	
1004	750	2004 375 Reissue filing fee	
1005	160	2005 80 Provisional filing fee	

SUBTOTAL (1) (\$ 0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3** =			0
Multiple Dependent		X		0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051	130	Surcharge – late filing fee or oath	
1052	50	Surcharge - late provisional filing fee or cover sheet	
1053	130	Non-English specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	Extension for reply within first month	
1252	410	Extension for reply within second month	
1253	930	Extension for reply within third month	
1254	1,450	Extension for reply within fourth month	
1255	1,970	Extension for reply within fifth month	
1401	320	Notice of Appeal	
1402	320	Filing a brief in support of an appeal	
1403	280	Request for oral hearing	
1451	1,510	Petition to institute a public use proceeding	
1452	110	Petition to revive – unavoidable	
1453	1,300	Petition to revive – unintentional	1300.00
1501	1,300	Utility issue fee (or reissue)	
1502	470	Design issue fee	
1503	630	Plant issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Stmt	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	Request for Continued Examination (RCE)	
1802	900	Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,300)

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Signature: \_\_\_\_\_

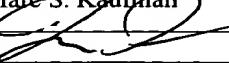
Name: \_\_\_\_\_

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## SUBMITTED BY

Name (Print/Type)	Mare S. Kaufman	Registration No. (Attorney/Agent)	35,212	Telephone	(703) 770-9300
Signature				Date	May 21, 2003